

## MEMORANDUM

**TO:** Tim Luke & Allen Merritt

**FROM:** Corey Skinner

**DATE:** September 4, 2002

**SUBJECT:** Complaint Regarding Water Delivery and Visit to Muldoon Creek Water District (37-O)

As you recall, last week, I sent a letter to Guy Peterson and Kathleen Donahue letting them know that they were diverting more water from Muldoon Creek than their water right allows. The letter was sent certified mail, and gave them three days from receiving the letter to get their diversion reduced to comply with their water right. I received notice that Kathleen Donahue received the letter on August 28<sup>th</sup>.

Yesterday, September 3<sup>rd</sup>, I made a trip to Muldoon Creek to inspect the Guy Peterson and Kathleen Donahue diversion. On my way up Muldoon Creek, Guy Peterson met me, and we proceeded to the diversion. Upon arriving at the diversion, it was noted that efforts had been made to reduce the diversion from Muldoon Creek by moving parts of the rock check dam in the creek. An estimate was made of the amount of water flowing through the Guy Peterson and Kathleen Donahue ditch, just below their diversion. This estimate was based on obtaining an average cross section area and a velocity through the cross section. The initial estimate revealed that approximately 3.30 cfs was being diverted from the creek. It should be noted, that this estimate may have been a little on the high side since I did not reduce the velocity any to account for the slower flow along the edges of the ditch. I told Mr. Peterson, that he was still diverting more water than allowed by his right, and we proceeded to move some additional rocks in the check dam in the creek to further reduce the flow into the ditch. A second estimate revealed that approximately 2.50 cfs was flowing in the ditch. I explained to Mr. Peterson how to estimate the flow in the ditch, and told him he may need to adjust the rocks some more as the flow in the creek fluctuates to stay within the limits of his water right. Since, I have a dam inspection to do in the area sometime this fall, I told Mr. Peterson that I would be back in the area sometime this fall to check on the diversion to make sure everything was OK.

Today, I called Blair Crouch of ABC Agra (group that originally complained to the Department) and told him that as of yesterday morning Guy Peterson was within the limits of his water right. I suggested that they might want to keep an eye on Mr. Peterson's diversion, and let us know if things change. Mr. Crouch seemed satisfied with our response to the situation. The attached photos document my visit to the Guy Peterson diversion, and the efforts that were made to comply with his water right.



**ABOVE:** View looking down Muldoon Creek showing Guy Peterson's diversion. Note that rocks in the check dam in the creek have been removed and placed at the head of the diversion ditch to reduce the diversion from the creek to approximately 2.50 cfs. Compare this photo to photo in the August 19, 2002 memo.

**BELOW:** Same as above, only from different angle.

